IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.124 OF 2004

IN

APPEAL FROM ORDER NO.93 OF 2004

Prabhakar Vishwanath Jangam & Anr. ...Applicant

Vs.

Digambar Dharu Jangam & Ors. ...Respondents

Mr.Shiv Motariya for the Applicant.
Mr.S.V.Rajeshwar for Respondent No.2

CORAM: A.S.OKA, J.

DATED: JANUARY 18, 2005.

P.C.:

1. Rule. Respondent No.2 waives service. The order of temporary injunction which is impugned in this Appeal is operating from 17th November 2003. Hence, in the year 2005 operation of the order cannot be stayed. Hence, Application is rejected.

2. Pendency of the Appeal will not operate as stay of the suit. The Trial Court will proceed with the hearing of the suit.

Judge.